For release only by the House Committee on Appropriations

Testimony by Joseph A. Levitt,
On behalf of the Grocery Manufacturers Association/Food Products Association (GMA/FPA)

Concerning GMA/FPA's
"Commitment to Consumers: The Four Pillars of Imported Food Safety"

Before the
Subcommittee on Agriculture, Rural Development, FDA, and Related Agencies
Committee on Appropriations
U.S. House of Representatives

September 25, 2007

Good morning, Madam Chairwoman and Members of the Subcommittee.

I am Joseph A. Levitt and I am pleased to be here today on behalf of the Grocery Manufacturers Association/Food Products Association (GMA/FPA) to discuss an issue of paramount importance to our members—ensuring the safety of imported foods. I am a partner in the Washington, D.C. office of Hogan & Hartson, LLP and provide legal counsel to GMA/FPA. Prior to joining Hogan and Hartson, I worked at the Food and Drug Administration (FDA) for 25 years, including my final 6 years as the Director of FDA's Center for Food Safety and Applied Nutrition.

Food producers have an abiding interest in safe food. Maintaining consumer confidence in our products, our brands, and our companies is the single most important goal of the food, beverage, and consumer packaged goods industry, and product safety is the foundation of consumer trust. The industry devotes enormous resources toward this

goal, and effective regulation and oversight by federal regulatory agencies such as the FDA are critical and complementary elements of the fabric of consumer protection.

Last week, GMA/FPA issued "*Commitment to Consumers: The Four Pillars of Food Safety*," a comprehensive proposal designed to protect consumers by strengthening, modernizing, and improving the system governing food imports. Our proposal envisions new mandatory requirements for the food industry to assure the adequacy of foreign supplier food safety programs and new responsibilities for FDA. Other elements include a new program to help identify and prioritize imports of potential concern, new efforts by FDA to help enhance the capacity of foreign governments to prevent and detect food safety issues, improvements to FDA's scientific capabilities and its use of information technology, and a significant increase in FDA resources. Underlying this comprehensive set of proposals is a fundamental emphasis on prevention.

Let me put the challenge before us in plain terms. As the volume of imported food steadily increases, the FDA's job at the border can be compared to trying to find a needle in a haystack. We need to approach this task from different angles: (1) reducing the number of needles to find; (2) reducing the size of the haystack in which to find them; and (3) giving FDA more resources so there is a better match between expectations and capacity.

A complete copy of the "Four Pillars" proposal has been submitted with this written testimony, but I will take just a few minutes to briefly outline each of the four pillars for you now.

Pillar One: Mandatory Foreign Supplier Quality Assurance Program – All importers of record would be obligated to adopt a foreign supplier quality assurance program that assures that all imported ingredients and products meet FDA food safety and quality requirements. Food companies would utilize FDA guidance to adopt food safety programs and practices needed to ensure food safety, such as audits, testing, good manufacturing practices, good agricultural practices, HACCP plans, food defense programs, product management systems, and recall programs. Requiring importers of record to ensure the safety and quality of their supply chain – and giving FDA the authority to review the effectiveness of these programs – would reduce the number of needles in the haystack.

Pillar Two: Voluntary Qualified Importer Food Safety Program – To help prioritize FDA resources and to relieve congestion at ports, importers of record who are able and willing to meet additional standards and conditions than those required under Pillar One could voluntarily participate in a program entitling them to expedited entry at U.S. borders. In addition to demonstrating the presence of well-designed and implemented food safety systems, including a supplier quality assurance program, importers could demonstrate a secure supply chain and conduct and share additional testing and program data with FDA.

By permitting expedited entry for imported foods that pose no meaningful risk, Congress can reduce the size of the haystack needing closer scrutiny by the FDA.

Pillar Three: Build the Capacity of Foreign Governments – FDA would work with foreign governments to improve their capacity to prevent and detect threats to food safety. FDA would work with foreign governments to expand training, accelerate the development of laboratories, ensure the compliance of exports with U.S. regulations, permit appropriate FDA inspections of foreign facilities, and ensure adequate access to data and test results conducted abroad. In addition, FDA would be encouraged to use Codex to harmonize requirements among countries. The food industry has long supported international harmonization through Codex, and we believe that FDA must once again provide international leadership towards the adoption of strong, science-based international food safety standards. All of these foreign capacity building steps would further reduce the likelihood of contamination and thereby further reduce the number of needles for FDA to find at the border.

Pillar Four: Expand the Capacity of FDA – Expanding FDA resources – including personnel, equipment, laboratory capacity, and scientific expertise – is an essential component of an effective food safety system. FDA resources have not kept pace with the demands posed by rising imports and current food safety challenges. To meet these needs, Congress must provide significant new funds to dramatically improve FDA's analytical testing capabilities, to increase and target inspections conducted by FDA, to obtain real-time test results, and to enhance communications during crisis events. With

additional resources that are well-deployed, FDA should be much better positioned to find any remaining needles before they cross the border and enter U.S. commerce.

For the past year, GMA/FPA has worked with the Coalition for a Stronger FDA to substantially increase FDA funding. In our view, FDA does not simply need "more" resources, but needs the "right" resources. In particular, we believe that the agency needs additional resources for both its "science" and its "compliance" activities. The agency cannot operate effectively without both. To achieve this goal, we urge members of this Subcommittee to support, in conference, the proposed funding level approved by the Senate Agriculture Appropriations Subcommittee for FDA's FY 2008 budget, and to work with us to double FDA spending over the next five years.

* * *

In conclusion, the GMA/FPA "Four Pillars" proposal builds on the long history of public-private responsibilities and cooperation in ensuring food safety, while providing new and innovative approaches to the latest challenges to our nation's food safety net. Its focus on prevention would be complemented by an enhanced ability to quickly detect and address public health threats. Meeting the challenges of the modern supply chain requires additional public resources for FDA and related agencies and demands an integrated approach that leverages the significant investment of the private sector in product safety. Our proposal addresses many of the same issues as contained in the Administration's Interagency Working Group on Import Safety as well as legislation

being considered by Congress. We look forward to working with both the Administration and Members of Congress in fashioning sound and lasting solutions consistent with our Four Pillars proposal.

We very much appreciate the opportunity to summarize this proposal for you today. Thank you.